

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER CARDINAL, et al.,
Plaintiffs,

v.

JOHN LUPO, et al.,
Defendants.


Case No. [18-cv-00272-JCS](#)

**COURT'S AMENDED VERDICT
FORM**

The Court intends to use the attached verdict form, which reflects the agreement of the parties at the December 6, 2019 hearing. Any party that believes this verdict form fails to reflect that agreement or otherwise contains errors may raise objections no later than December 9, 2019, before the start of testimony for the day.

IT IS SO ORDERED.

Dated: December 8, 2019



JOSEPH C. SPERO
Chief Magistrate Judge

COURT'S PROPOSED VERDICT FORM

We, the jury, unanimously find as follows:

PART A: INTENTIONAL MISREPRESENTATION

1. **Is John Lupo liable to Christopher Cardinal for intentional misrepresentation?**

_____ Yes _____ No

If your answer to Question 1 is "Yes," continue to Question 2. If your answer to Question 1 is "No," do not answer any further questions in Part A, and instead continue to Part B.

2. **What are Christopher Cardinal's damages for John Lupo's intentional misrepresentation? Do not include any damages here for solicitation of employees. Do not include any punitive damages.**

\$ _____

Continue to Question 3.

3. **Did John Lupo make a false representation to Christopher Cardinal with malice, oppression, or fraud?**

_____ Yes _____ No

If your answer to Question 3 is "Yes," continue to Question 4. If your answer to Question 3 is "No," do not answer any further questions in Part A, and instead continue to Part C.

4. **What amount of punitive damages, if any, do you award Christopher Cardinal against John Lupo?**

\$ _____

Continue to Part C.

PART B: NEGLIGENT MISREPRESENTATION

Begin Part B only if you answered "No" to Question 1 in Part A. If you answered "Yes" to Question 1, do not answer any questions in Part B, and instead continue to Part C.

5. **Is John Lupo liable to Christopher Cardinal for negligent misrepresentation?**

_____ Yes _____ No

If your answer to Question 5 is "Yes," continue to Question 6. If your answer to Question 5 is "No," do not answer Question 6, and instead continue to Part C.

6. What are Christopher Cardinal's damages for John Lupo's negligent misrepresentation? Do not include any damages here for solicitation of employees. Do not include any punitive damages.

\$ _____

Continue to Part C.

PART C: BREACH OF CONTRACT—CHRISTOPHER CARDINAL'S CLAIM

Begin Part C regardless of how you answered the earlier questions.

7. Is John Lupo liable to Christopher Cardinal for breach of Section 4.7 (Non-Solicitation Covenant) of the contract?

_____ Yes _____ No

If your answer to Question 7 is "Yes," continue to Question 8. If your answer to Question 7 is "No," do not answer any further questions in Part C, and instead continue to Part D.

8. What are Christopher Cardinal's damages for John Lupo's breach of Section 4.7 of the contract?

\$ _____

Continue to Part D.

PART D: BREACH OF CONTRACT—JOHN LUPO'S CLAIM

Begin Part D regardless of how you answered the earlier questions.

9. Is Christopher Cardinal liable to John Lupo for breach of the contract?

_____ Yes _____ No

If your answer to Question 9 is "Yes," continue to Question 10. If your answer to Question 9 is "No," do not answer Question 10, and instead continue to Part E.

10. What are John Lupo's damages for Christopher Cardinal's breach of the contract?

\$ _____

Continue to Part E.

PART E: COMPUTER FRAUD AND ABUSE ACT

Begin Part E regardless of how you answered the earlier questions.

11. Is John Lupo liable to Christopher Cardinal for violation of the Computer Fraud and Abuse Act?

_____ Yes _____ No

If your answer to Question 11 is “Yes,” continue to Question 12. If your answer to Question 11 is “No,” do not answer Question 12, and instead continue to Part F.

12. What are Christopher Cardinal’s damages for John Lupo’s violation of the Computer Fraud and Abuse Act?

\$ _____

Continue to Part F.

PART F: SIGNATURE

Have the presiding juror sign and date this verdict form. After the presiding juror has signed and dated the verdict form, notify the courtroom deputy that you have reached a verdict.

Signed: _____
Presiding Juror

Dated: _____